



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

Arizona Corporation Commission

**DOCKETED**

JUN 24 2014

AZ CORP  
DOCKET NO.

2014 JUN 24 PM 2 04

**ORIGINAL**

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
PINAL COUNTY FOR APPROVAL TO MODIFY  
AN EXISTING CROSSING OF THE COPPER  
BASIN RAILWAY AS PART OF THE PROPOSED  
KELVIN BRIDGE REPLACEMENT PROJECT IN  
PINAL COUNTY, ARIZONA, AT USDOT NO.  
742-396E.

DOCKET NO. RR-02636A-14-0181

**PROCEDURAL ORDER**  
**(Schedules Hearing)**

**BY THE COMMISSION:**

On June 6, 2014, Pinal County ("County") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Copper Basin Railway ("Railroad") to modify an existing crossing as part of the proposed Kelvin Bridge Replacement Project in Pinal County, Arizona, at USDOT NO. 742-396E.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the County shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. §§ 40-337, *et seq.*

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **September 3, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that within ten business days of receipt of this Procedural Order, **PINAL COUNTY SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

1 IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall  
 2 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of  
 3 them with Docket Control on or before 4:00 p.m. on **August 19, 2014**.

4 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
 5 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on  
 6 **August 29, 2014**.

7 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
 8 105, except that all motions to intervene must be filed on or before **August 4, 2014**.

9 IT IS FURTHER ORDERED that **Pinal County** shall provide **public notice** of the hearing in  
 10 this matter, in the following form and style:

11 **IN THE MATTER OF THE APPLICATION OF PINAL COUNTY**  
 12 **FOR APPROVAL TO MODIFY AN EXISTING CROSSING OF THE**  
 13 **COPPER BASIN RAILWAY AS PART OF THE PROPOSED**  
 14 **KELVIN BRIDGE REPLACEMENT PROJECT IN PINAL COUNTY,**  
**ARIZONA, AT USDOT NO. 742-396E**  
**(DOCKET NO. RR-02636A-14-0181).**

15 On June 6, 2014, Pinal County ("County") filed with the Arizona Corporation  
 16 Commission ("Commission") an application for approval for the Copper Basin  
 17 Railway Company ("Railroad") to modify an existing crossing as part of the  
 proposed Kelvin Bridge Replacement Project in Pinal County, Arizona at USDOT  
 No. 742-396E.

18 The application is available for inspection during regular business hours at the  
 19 Commission's offices, 1200 West Washington Street, Phoenix, Arizona, and on the  
 internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

20 The Commission will hold a hearing on this matter commencing on September 3,  
 21 2014, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street,  
 Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first  
 day of the hearing.

22 The law provides for an open public hearing at which, under appropriate  
 23 circumstances, interested parties may intervene. Intervention shall be permitted to  
 24 any person entitled by law to intervene and having a direct and substantial interest in  
 the matter. Persons desiring to intervene must file a written motion to intervene with  
 the Commission, which motion should be sent to Applicant or its counsel and to all  
 parties of record, and which, at the minimum, shall contain the following:

- 25 1. The name, address, and telephone number of the proposed intervenor and of  
 26 any party upon whom service of documents is to be made if different than the  
 27 intervenor.
- 28 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
 a customer of Railroad, a neighboring property owner, a crossing user, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 4, 2014. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested party from appearing at the hearing and making a statement on such person's own behalf.

If you have any questions about this application, you may contact the Applicant at [insert telephone number]. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Pinal County shall cause the above notice to be published at least once in a newspaper of general circulation in the city/county where the crossing is located, with **publication to be completed no later than July 22, 2014.**

IT IS FURTHER ORDERED that notice shall be deemed complete upon the mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive the notice.

IT IS FURTHER ORDERED that **PINAL COUNTY SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been completed.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona

Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 24<sup>th</sup> day of June, 2014.

  
SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 24<sup>th</sup> day of June, 2014 to:

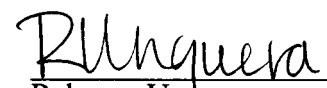
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ARIZONA CORPORATION COMMISSION  
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Lowell S. Jacobson, General Manager  
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COASH & COASH, INC.  
Court Reporting, Video and Videoconferencing  
1802 North 7<sup>th</sup> Street  
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Janice Alward, Chief Counsel  
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By:   
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Assistant to Scott M. Hesla